

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 26 JANUARY 2016**

**LISTED BUILDING APPLICATION – 11 BANK STREET, KIRRIEMUIR, DD8 4BE**

**GRID REF: 338606 : 753971**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with listed building application No 14/00370/LBC for the external repairs to building frontage at 11 Bank Street, Kirriemuir, DD8 4BE. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reasons and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. INTRODUCTION**

- 3.1 The applicant seeks listed building consent for the external repairs to building frontage facing onto Bank Street, Kirriemuir.
- 3.2 The application site lies within the development boundary of Kirriemuir and is located on the north side of Bank Street within the town centre and within the conservation area. This is a 3-storey traditional red sandstone building in a Baronial design, which was constructed as a bank in 1862, and is a Listed Building Category B.
- 3.3 The proposal would involve repairs to the stone façade of the building facing onto Bank Street. The revised proposals now put forward by the applicant involve render repairs where stonework has been significantly eroded or previously cut back, together with retention of existing/viable stonework being left exposed.
- 3.4 The application was subject to variation by the submission of the latest more acceptable methods of intended repairs on 19 November 2015.
- 3.5 The application was advertised in the Dundee Courier and Edinburgh Gazette as required by legislation.
- 3.6 This application requires to be determined by the Development Standards Committee due to the recommendation of approval whilst being subject to 5 individual objections and an objection from the local Community Council.

**4. RELEVANT PLANNING HISTORY**

There is no relevant planning history for the application site. However, there were works carried out on the façade of the building without the appropriate consents which were not in

sympathy with the listed building or its location within the conservation area, and these works were to remove loose material from the building frontage. It was following notification of these works been carried out that the current application was sought from the applicant. There is a current application for planning permission which is also being reported to this Committee (ref. 14/00371/FULL applies).

## **5. APPLICANT'S CASE**

- 5.1 The applicant has provided a Heritage Statement with Appendices. This states that the red sandstone in the Kirriemuir region is a clay-rich stone of generally poor quality, which is very vulnerable to the effects of weathering and water penetration and has a tendency to disaggregate over time. The sandstone used in the construction of 11 Bank Street is of this type and at some stage its disaggregated facade was cut back and overcoated with a coloured render lined out to match the coursing and appearance of the original stonework. The applicant instructed patch repairs to make good the appearance of the building. As part of this process an aerial platform tap-test survey was undertaken in May 2013 to assess the condition of the render across the entire front façade and to provide recommendations for essential repairs. In September 2013, pieces of render fell from the façade onto the pavement below, narrowly missing a pedestrian. In consultation with Angus Council Building Standards, this hastened a full despalling exercise to be undertaken to remove all loose and boss areas of render as a matter of public safety. The proposed completion of the repair work was deferred due to the onset of winter. The despalling exercise only related to the removal of the boss render. The substantial cutting back and keying of the original stonework presently exposed on site was carried out when the original render over-coating was applied.
- 5.2 Regarding the intended repairs, the Scottish Lime Centre Trust undertook a detailed inspection of the building façade on 6<sup>th</sup> February 2015 with a view to establishing a proportionate remedial specification. Following this, sample panels of possible repairs were established on the building frontage and the Scottish Lime Centre Trust have now provided detailed specifications of intended repairs and an annotated elevation showing specific repairs for different parts of the building frontage (received on 19 November 2015). This states that all existing finished/viable stonework will remain exposed and modelled lime render will be applied where stone has been significantly eroded or previously cut back, and the proposals do not involve the blanket application of render across the entire face of the building. It is intended to achieve two finishes, a smooth banded render around openings and a “rubble” render to the walling which is most damaged. A large proportion of the stone façade will be left untouched. Sample panels of the two different finishes will be prepared for all parties to accept or otherwise, and to demonstrate that the operative(s) have the requisite skills and understanding of what is trying to be achieved.
- 5.3 The supporting information is available to view on the Council's Public Access system.

## **6. CONSULTATIONS**

- 6.1 **Angus Council – Roads (traffic)** – has no objections to the proposal.
- 6.2 **Historic Environment Scotland** – has stated they note the revised proposals and consider the applicant should concentrate on retaining as much of the original stone façade exposed as possible. Mortar repairs should be limited to isolated pockets and stones rather than large areas of re-facing. Therefore, where a base stone façade exists in stable condition, they would prefer the stone to be retained as exposed and re-pointed with a good colour match of mortar. They would be content for the works to proceed if their points raised above are adhered to.
- 6.3 **Kirriemuir Community Council** – has objected to the proposal, on the grounds that the building frontage was never rendered and, therefore, a like for like repair is not proposed. They also consider that some of the damage to the building was the result of removal of cement patching and the intended repair to the frontage would change the character of the building and set an undesirable precedent for similar works in the conservation area. Furthermore, they consider the intended render repairs will require further extensive repairs in the future. The Community Council were advised of the revised proposals for repair, but have stated they do not intend to withdraw their objection.

## 7. REPRESENTATIONS

7.1 Twelve (12) letters of representation have been received in objection to the proposal, from a total of five objectors. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website.

7.2 The main points of objection are as follows:-

- **Inappropriate methods of repair to this listed building in the conservation area**
- **Inappropriate methods used to remove covering of stonework**
- **Inadequate details to fully assess the proposals**

**Comment** – The above matters are discussed under Section 8, Planning Considerations below.

## 8. PLANNING CONSIDERATIONS

8.1 In considering whether to grant Listed Building Consent for the present application, the Council is required in terms of Section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.2 The development plan represents a material consideration in the determination of an application for listed building consent. In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

8.3 The development plan policies relevant to consideration of this application are provided in Appendix 1 and have been taken into account in the preparation of this report.

8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation.

8.5 In Historic Scotland's Managing Change in the Historic Environment, it states that the external walls of a historic building are an important element in defining its character. The design, materials, method of construction, colour, texture, detailing and finish typically contribute to the character of a historic wall. Maintenance and appropriate repair are the best means of safeguarding the historic character of a wall. Every effort should be made to repair the external walls of a historic building and alterations or repairs should protect its character. Walls are valuable in their own right as major elements in the design of a historic building and for their practical performance and appearance. Documentary research and fabric analysis is useful in understanding the design and material properties of historic walls before undertaking alterations or repairs. Where walls have been altered inappropriately in the past, reinstatement should be based on documentary or physical evidence of missing features or materials.

- 8.6 Kirriemuir Conservation Area Analysis and Design Guide (September 2014) identifies the features which define the character and appearance of the Kirriemuir Conservation Area and provides design guidance for development within the conservation area. The guide indicates that the damage caused by poor and inappropriate repairs is particularly evident in Kirriemuir where the recognisable red sandstone is very soft and therefore weathering of walls is quite obvious. The guide indicates that care should be taken to ensure that the appropriate mortar is used in repair and that if stone indents are required they are as close a match as possible both geologically and aesthetically. Angus Council Planning Advice Note 30 'Repair to Sandstone Walls' provides guidance on the repair of sandstone walls. The advice note explains issues that can result from unsympathetic repairs to sandstone as well as typical causes of sandstone damage. The advice note explains the importance of using the correct type of mortar for sandstone repairs and promotes repair strategies based on a careful diagnosis of the problem.
- 8.7 The works involve repairs to the frontage of a listed building within Kirriemuir Conservation Area. It is understood that the frontage of the red sandstone building was subject of measures by the applicant towards the end of 2013 in order to avoid further render falling off, in the interests of public safety. This has left parts of the stone frontage in a poor and rough state. The applicant has indicated that the substantial cutting back and keying of the original stonework presently exposed on site was carried out when the original render over-coating was applied. Irrespective of this, the building frontage requires to be repaired in the most appropriate manner, in the interests of securing the future life of the building and in the interests of the enhancement of the fabric, character and appearance of the listed building. Following discussions with the applicant and Historic Environment Scotland, a revised proposal has been put forward which involves retention of the most viable stonework and a coloured lime render repair to other stonework finished in both a smooth and rubble manner to reflect the underlying stonework. This method of repair has been generally welcomed by Historic Environment Scotland. The applicant has confirmed their intention to provide sample panels of works to ensure the methods proposed are the most appropriate in terms of finish and colour and this could be secured by a condition.
- 8.8 The concerns raised by the community council and third parties are noted. The proposal has been amended by the applicant with a more appropriate and comprehensive method to tackle the damage on the building façade now proposed, which is generally acceptable to Historic Environment Scotland. The applicant has explained the reasons why works were initially instigated on the building façade (in the interests of public safety). It is considered that the intended repairs will result in improvements to the fabric, character and appearance of the listed building and will safeguard its future in a satisfactory manner, subject to conditions relating to the provision of sample panels for prior approval.
- 8.9 The development plan approach seeks to safeguard listed buildings and allows development which is sympathetic to the character and appearance of a listed building and wider conservation area. For the reasons detailed above, the proposal is considered to be in accordance with policies S3, SC23, ER12 and ER15 of the Angus Local Plan Review (2009).
- 8.10 In conclusion, the amended proposed methods for repair of the frontage of this listed building within a conservation area now considered acceptable and would result in an enhancement to the fabric, character and appearance of the building. I recognise the concerns raised by third parties and the community council, however, as stated above, the revised methods of repair are now considered more appropriate and sympathetic to the building and general conservation area. There are no material considerations that justify refusal of the planning application.
- 8.11 This application was received prior to 1 October 2015 and, therefore, is subject to the previous consultation and notification procedures with the former Historic Scotland. However, there is no requirement to send this application for listed building consent to Historic Environment Scotland for their clearance, as the building is Listed Category B and the appropriate internal consultation procedures have been undertaken within the Council.

## 9. OTHER MATTERS

### HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of listed building consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## 10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

#### Conditions:

1. That, prior to the undertaking of any of the works hereby approved, the following shall be submitted for the approval of this planning authority;
  - (a) Detailed specifications of the intended lime render for all repairs;
  - (b) Locations on the building for the intended sample panels;
  - (c) Timescales for undertaking the works (from the provision of sample panels to completion of works).

Thereafter, the repairs shall be carried out in accordance with the approved specifications (including sample panels) and in accordance with the agreed timescales.

*Reason: In order to ensure the building frontage is repaired in a satisfactory and timely manner, in the interests of enhancing the character and appearance of the listed building.*

2. That the repair works shall be carried out in accordance with the letter from agent dated 18 November 2015, together with the Specification for Façade Repairs from the Scottish Lime Centre Trust and dated November 2015 with Front Elevations drawing dated 04/11/2015, unless otherwise agreed under Condition 1 of this planning permission or unless otherwise first agreed for site specific area repairs on closer inspection of the building frontage.

*Reason: In order to ensure the building frontage is repaired in a satisfactory manner, in the interest of enhancing the character and appearance of the listed building.*

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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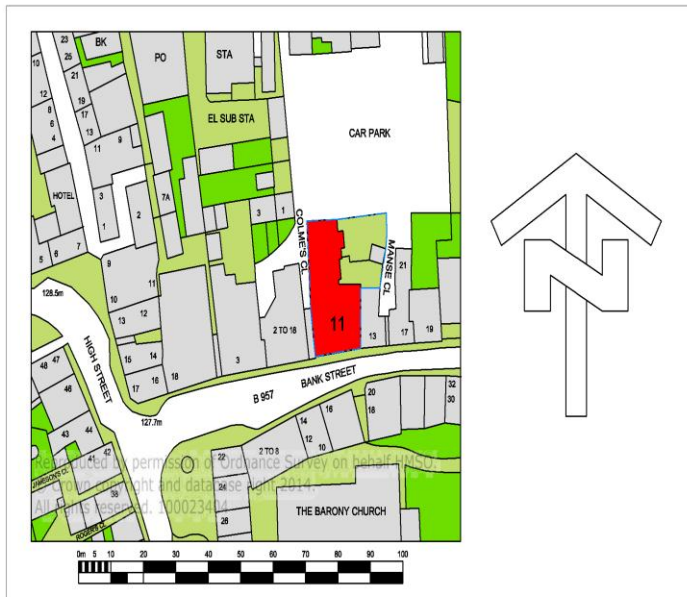
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**Date: 13 January 2016**

**Appendix 1 : Location Plan**

**Appendix 2 : Relevant Development Plan Policies**

## Appendix 1 : Location Plan



**3** SITE LOCATION PLAN  
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## **Appendix 2 : Relevant Development Plan Policies**

### **Angus Local Plan Review 2009**

#### **Policy S1 : Development Boundaries**

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

#### **Policy S3 : Design Quality**

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

#### **Policy S6 : Development Principles (Schedule 1)**

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

##### Schedule 1 : Development Principles

###### Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

###### Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

#### Landscaping / Open Space / Biodiversity

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

#### Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

#### Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

#### **Policy SC23: Support for Town Centres**

Angus Council will continue to initiate and support measures designed to enhance the vitality and viability of the town centres and will work in partnership with other bodies and interested parties to promote and develop opportunities which:

- sustain the role and key functions of each of the Angus towns and their central areas; and
- safeguard their existing character and complement and enhance their environment and historic value.

#### **Policy ER12: Development Affecting Conservation Areas**

Development proposals within conservation areas or affecting the setting of such areas will be supported where they:

- (a) respect the character and appearance of the area in terms of:
  - density, scale, proportion and massing;
  - layout, grouping and setting;
  - design, materials and finish;
- (b) contribute positively to the setting of the area and maintain important views within, into or out of the area;
- (c) retain particular features which contribute to the character and appearance of the area;
  - open spaces;
  - walls and other means of enclosure;
  - ground surfaces;
  - natural features such as trees and hedgerows;
  - accord with the Character Statement for the area.



**Policy ER15: Change of Use, Alterations and Extensions to Listed Buildings**

Change of use, or alterations and extensions to a listed building will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting.

**TAYplan Strategic Development plan**

The proposal is not of strategic significance and the policies of TAYplan are not referenced.